

# Notice of Allowability

Application No.

09/998,461

Examiner

Inder P. Mehra

Applicant(s)

KALL ET AL.

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2617

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment dated 1/26/2006.
2. ☒ The allowed claim(s) is/are 2-14 and 16-18 (Renumbered as 1-16 respectively).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
JOHN PEZZLO  
PRIMARY EXAMINER

### **DETAILED ACTION**

1. This office action is in response to amendment dated: 1/26/2006. Based on this amendment, claims 2-14 and 16-18 are pending.

### ***Allowable Subject Matter***

2. Claims 2-14, and 16-18 are allowed.

### **REASONS FOR ALLOWANCE**

3. The following is an examiner's statement of reasons for allowance:

The prior art of record does not disclose, teach or suggest directly, or indirectly the following limitations in combinations with other limitations of the claims, as follows:

As recited by claims 2, 14,

“an identifier positioned at the radio access network. said identifier for identifying when communication of the multicast data is to be effectuated upon a common channel, common to both the first mobile user endpoint and the at least the second mobile user endpoint: and

a point to multi-point bearer implementer coupled to said identifier. said point to multi-point bearer implementer for implementing a multicast of the multicast data upon the common channel to the first and at least second mobile user endpoint. respectively, when said identifier identifies that the communication of the multicast data is to be effectuated upon the common channel.

As recited by claim 2,

“wherein the radio access network defines at least a first cell forming a corresponding at least first coverage area within which communication with the first and at least second mobile

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user endpoints, when positioned therein, is effectuable, and wherein said identifier identifies at least when the first and at least second mobile user endpoints are likely to be within the at least the first cell”.

As recited by claim 14,

“wherein the multicast data is selectably transmitted as separate unicasts to at least a selected one of the first mobile user endpoint and the at least the second mobile user endpoint, and wherein the multicast data is communicated pursuant to the separate unicasts when said identifier fails to identify that the communication of the multicast data is to be effectuated upon the common channel”.

As recited by claims 16 and 18,

“identifying when communication of the multicast data is to be effectuated upon a common channel, the common channel common to both the first mobile user endpoint and the at least the second mobile user endpoint”. and

“implementing a point to multi-point bearer for casting of the multicast data upon the common channel to the first and at least second mobile user endpoint. respectively, when identification is made during said operation of identifying that the communication of the multicast data is to be effectuate upon the common channel”.

As recited by claim 18,

“wherein the radio access network defines at least a first cell forming a corresponding at least first coverage area, and wherein said operation of identifying identities at least when the first and at least second mobile user endpoints are likely to be within the at least the first cell”.

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Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Prior Art of Record***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- **Vialen** (US Patent Application Publication No. 2005/0186959) discloses signaling methods in cellular telecommunication systems.
- **Rasanen et al** (US Patent Application Publication No. 2005/0227695) discloses flow control in data transmission in telecommunication systems.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Inder P. Mehra whose telephone number is 571-272-3170. The examiner can normally be reached on Monday through Friday from 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Inder Pal Mehra 7/16/06*

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Examiner  
Art Unit 2617



**JOHN PEZZLO**  
**PRIMARY EXAMINER**